

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MINUTES OF PROCEEDINGS

HONORABLE JUAN M. PEREZ-GIMENEZ

Scheduled Time: 9:30 a.m.

Reset Time:

Starting Time: 10:05 a.m.

Ending Time: 10:08 a.m.

COURTROOM DEPUTY: Brenda Gonzalez

DATE: October 11, 2005

COURT REPORTER: Joyce Del Valle

CR. NO: 00-043-01 (PG)

COURT INTERPRETER: Annie Flores

PO: Magaly Irizarry

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Attorneys:

UNITED STATES OF AMERICA

AUSA Sonia Torres

v.

EDGARDO PADILLA-MARTINEZ

Ernesto Hernandez, Esq.

The defendant is present in court. Defendant is: X under custody on bond.

CASE CALLED FOR **RE-SENTENCE and imposed**. The U. S. Court of Appeals entered a mandate remanding this case for re-sentencing in view of the decision in U. S. vs. Melendez-Santana. As such, **the defendant appears today for re-sentencing as to the condition related to drug testing and drug treatment only**. The sentence imposed of December 13, 2002, stands as to all other extremes, to include the supervised release conditions imposed therein drug testing condition which shall be substituted as indicated in the judgment. DNA condition to be imposed today.

Imprisonment for a term of: 293 months as to Count One and 63 months as to Count Two to be served concurrently with each other and concurrently with any sentence that he might be presently serving in the state court. (Remains the same.)

Supervised Release Term: 5 years as to Count One and 3 years as to Count Two be served concurrently with each other. (Remains the same.)

Probation Term: ---- Fine: ----- Special Monetary Assessment: \$ 200.00
 X All terms and conditions are specified in the judgment form. The defendant is advised of his right to appeal, etc.

 Defendant is to voluntary surrender to the custody of the U.S. Marshals.

 Count(s) is ordered dismissed per the Government's request.

Recommendation by the Court: That, if at all possible, defendant serve sentence in Ft. Dix, New Jersey or in the alternative, FCI Jessup in Atlanta, Georgia. That defendant participate in a drug rehabilitation treatment program.

s/ Brenda Gonzalez

Brenda Gonzalez

Courtroom Deputy Clerk